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REMARKS

Claims 1, 2, and 26-35 are pending in the present application.

At the outset, Applicants wish to thanks Examiner Bugaisky for the indication that Claims 1 and 2 are free of the art of record and would be allowed with the amendment to overcome the rejection under 35 U.S.C. §112, second paragraph (Office Action date October 2, 2003, page 3, lines 18-19).

The rejection of Claims 1 and 2 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Applicants wish to thank Examiner Bugaisky for the kind suggestion on how to amend these claims to overcome the present rejection. Consistent with this suggestion, Applicants have amended the claims hereinabove.

Withdrawal of this ground of rejection is requested.

Applicants note that Claims 26-35 have been added. Claims 26 and 31 depend from allowable Claims 1 and 2, respectively, and as such should be entered and allowed. Claims 27-30 and 32-35 are method claims that depend from Claims 1-2 and include all the limitations of the allowable product.

Further, Applicants remind the Examiner that MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined. (emphasis added)

Application No. 09/884,948 Reply to Office Action of October 2, 2003.

Accordingly, Applicants respectfully submit that Claims 27-30 and 32-35 should be entered and allowed based on the allowance of Claims 1 and 2 from which they depend.

Acknowledgment to this effect is respectfully requested.

Turning to the Examiner's objection to the Declaration, Applicants note that it appears that the Office has overlooked the substitute Declaration filed on June 21, 2001 in which the residence information has been provided. For the Examiner's convenience, Applicants submit herewith a copy of the substitute Declaration filed on June 21, 2001 along with a copy of the date-stamped filing receipt evidencing timely filing thereof.

Finally, Applicants confirm the Examiner's indication that a signed copy of the Information Disclosure Statement (Form PTO-1449) filed on June 21, 2001 will be provided with the next action.

Application No. 09/884,948 Reply to Office Action of October 2, 2003.

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Stephen G. Baxter Attorney of Record Registration No. 32,884

Vincent K. Shier, Ph.D. Registration No. 50,552

Customer Number

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(OSMMN 08/03)

SUBSTITUTE

Beckrution, Power Of Attorney and Petition

WE (I) the underelgned inventor(s), hereby declare(s) than
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My residence, post office address and citizenship are as ented below next to my name,

f the subject matter which is

We (I) believe that we are (I am) the exiginal, first, and joint (sole) inventor(s) of bimed and for which a person is sought on the invention contribut				
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We (1) hereby must that we (1) have reviewed and understand the contents of the above-identified specification, including the claims, at amonded by any amendment referred to above.

We (i) anknowledge the duty to disclose information known to be material to the personability of this application as defined in Section 1.56 of Title 37 Code of Pederal Regulations.

We (1) beneby chine foreign priority benefits under 15 U.S.C. \$ 119(s)-(d) or § 363(b) of any foreign application(s) for parent or inventor's certificate, or § 365(s) of any PCT Insurantianal application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for person or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is defend. Prior Portien Application(4)

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OSMM&N File No. 209650US0DIV

By: NFO/DJP/km

Dept.: Chemical

Serial No. New U.S. APPLICATION

In the matter of the Application of: Keiichi YOKOYAMA et al

PROCESS FOR PRODUCING MICROBIAL TRANSGLUTAMINASE

The following has been received in the U.S. Patent Office on the date stamped hereon:

25 Claims/Drawings 67 pp. Specification

7 Sheets

and 2 pages Application Data Sheet

■ Combined Declaration, Petition & Power of Attorney

pages, Executed Сору

■ Dep. Acct. Order Form

☐ List of Inventor Names and Addresses

Utility Patent Application Transmittal

□ CPA

■ Notice of Priority

□ Priority Doc

■ Check for \$710.00

■ Fee Transmittal Form

□ Assignment/PTO 1595 pages:

Letter to Official Draftsman

□ Letter Requesting Approval of Drawing Changes

Drawings

sheets D Formal

■ Substitute Declaration, Petition & Power of Attorney, 3 pages, Executed Copy from parent application

■ Preliminary Amendment w/copy of Substitute Sequence Listing attached (Paper)

■ Information Disclosure Statement

■ PTO-1449

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☐ Search Report

☐ Statement of Relevancy

□ IDS/Related/List of Related Cases

□ Restriction Response

□ Rule 132 Declaration

□ Request for Extension of Time

□ Notice of Appeal

□ Brief

☐ Issue Fee Transmittal

■ White Advance Serial Number Card

□ Small Entity Status is Claimed

□ Marked-up copy

Cited Pending **Applications**

□ Election Response



Due Date: JUNE 27, 2001

